

REMARKS

Claims 1 – 26 are pending. The title of the specification has been changed; the Examiner's suggestion is appreciated.

Response to rejection of claim 23 under § 112: the term “environmental variables” is a common and well-known term of art used in the context of speech recognition. On pages 39 - 40 of the disclosure, it explains that this term is often referred to as “context,” which again is a well-known term of art. In a web based application, as the disclosure indicates, the environment or context refers to “where” the user happens to be – within the website - at the time of the speech utterance. To make this point more clear nonetheless, Applicant has amended claim 23.

Response to rejection of claims 1 – 26 under §102/§103:

Applicant traverses the present rejections under §102 and §103 based on the fact that the primary reference cited by the Examiner. - Halverson U.S. Patent 6,742,021 – is simply NOT prior art within the requirements of 35 U.S.C. §102(e). On this basis, Applicant submits that the rejections must be withdrawn because they fail as a matter of law.¹

Please note that, despite the lack of a proper rejection, independent claims 18 and 25 have been amended to better define the scope of such inventions. This is not being done in support of an argument for patentability, but merely for clarification on the intended scope of such claims.

Nonetheless, with respect to the other claims, the fact that Halverson is not prior art can be determined from the following: first, the face of the patent identifies the filing date as March 13, 2000, which is clearly not sufficient to constitute prior art under § 102(e). Applicant appreciates that the face of the patent also identifies several provisional applications and parent applications from which priority for the cited subject matter might arguably be drawn to. However, in each instance, Applicants have reviewed the reference in question and found absolutely zero mention, let alone adequate support, for the subject matter identified by the Examiner as relevant to the present claims.

In particular, the Examiner relies on Fig. 1a, Fig. 3 and Fig. 4 of Halverson and the text at col.3, ll. 41 – 67; col.4, ll. 1 -11; col. 5, ll. 42 – 46 and col. 12, ll. 9 – 32 for the rejections. *See, e.g.*, the Office Action at paragraph 6, pp. 3 – 5. Here are the exact figures from Halverson relied upon by the Examiner:

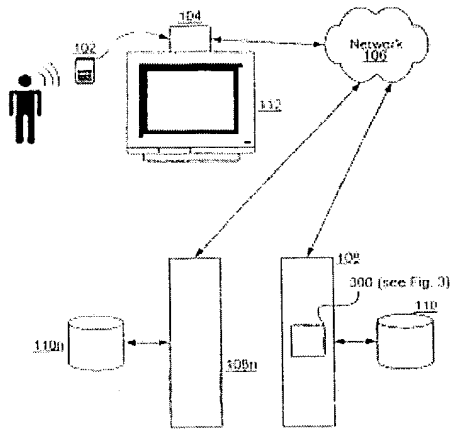


Fig. 1a

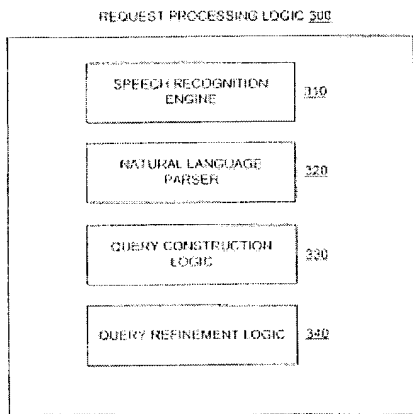


Fig. 3

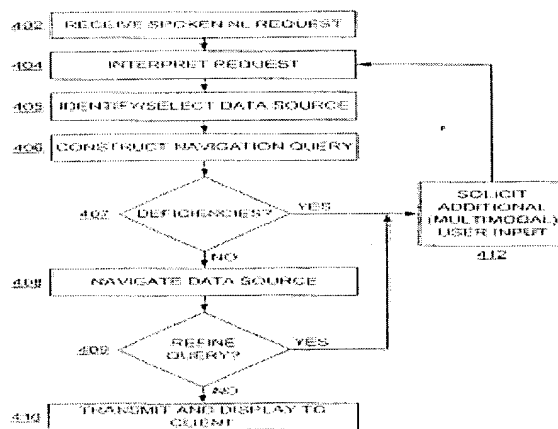


Fig. 4

(..continued)

¹ The other references cited by the Examiner, namely Giangarra et al. (U.S. Patent No 6,101,472) and Horiguchi (6,330,530) are only argued in combination with Halverson, and in the face of the reality that the latter is not prior art,

In order for the present §102(e) and §103 rejections to be sustained, the Examiner must demonstrate that the above disclosure is supported by one of the earlier applications cited on the face of Halverson, namely:

1. Serial no. 09/225,198 filed January 5, 1999;
2. Provisional application no. 60/124,718 filed March 17, 1999
3. Provisional application no. 60/124,719 filed March 17, 1999
4. Provisional application no. 60/124,720 filed March 17, 1999

For items #2 - #4: Applicant has secured copies of the filed provisional materials. Here is a copy of the face sheet for #2: 60/124,718:

U.S. PTO
66/17/99

PROVISIONAL APPLICATION COVER SHEET

ALPTM

This transmittal and the documents and/or fees itemized hereon and attached hereto have been deposited as "Express Mail Post Office to Addressee" in accordance with 37 C.F.R. §1.10 with Express Mail Mailing Label Number EL285395871US

Attorney Docket No.: SR11P023+

First Named Inventor: CHEYER, Adam J.

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

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fee processing

U.S. PTO
66/17/99

Sir: This is a request for filing a PROVISIONAL APPLICATION under 37 CFR 1.53(c).

INVENTOR(S)/APPLICANT(S)			
LAST NAME	FIRST NAME	MIDDLE INITIAL	RESIDENCE (CITY AND EITHER STATE OR FOREIGN COUNTRY)
CHEYER JULIA	Adam Luc	J. E.	Menlo Park, CA Menlo Park, CA

TITLE OF INVENTION (280 characters max)
USING A COMMUNITY OF DISTRIBUTED ELECTRONIC AGENTS TO SUPPORT A HIGHLY MOBILE, AMBIENT COMPUTING ENVIRONMENT

The entire disclosure (14 pages) can be provided if necessary, but as the Applicant understands that the Examiner has full access to such materials, they are not presented here. Should the Examiner wish for the Applicant to provide the same, please contact the undersigned.

In any event, the key point is that Applicant has reviewed the reference, and there is absolutely no mention or discussion of the Halverson figures or description relied on by the Examiner. This can be easily verified by the Examiner. Consequently, this reference cannot support a §102(e) rejection. In fact, Ms. "Christine Halverson" is not even identified as an inventor of the earlier provisional above, which again corroborates the conclusion that only the later, nonprovisional filing contains the subject matter which the Examiner relies on.

(...continued)

such combinations must also fail as a matter of law.
Amendment A and Response for SN: 09/439,174 PHO 99-003

Similarly, provisionals #3 and #4 also fail to disclose the subject matter presented by Ms. Halverson in the issued U.S. Patent 6,742,021: From 60/124,719 (21 pages):

1c541 U.S. PTO
60/124719

PROVISIONAL APPLICATION COVER SHEET

A/Prov

This transmittal and the documents and/or fees itemized hereon and attached hereto have been deposited as "Express Mail Post Office to Addressee" in accordance with 37 C.F.R. §1.10 with Express Mail Mailing Label Number EL285395899US

Attorney Docket No.: SRIIP025+

First Named Inventor: CHEYER ET AL.

Assistant Commissioner for Patents
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Washington, DC 20231

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fee processing

1c541 U.S. PTO
60/124719
63/17/99

Sir: This is a request for filing a PROVISIONAL APPLICATION under 37 CFR 1.53(c).

INVENTOR(S)/APPLICANT(S)

LAST NAME	FIRST NAME	MIDDLE INITIAL	RESIDENCE (CITY AND EITHER STATE OR FOREIGN COUNTRY)
CHEYER	Adam	J.	Menlo Park, California
JULIA	Luc	E.	Menlo Park, California
GUZZONI	Didier	None	Menlo Park, California

TITLE OF INVENTION (280 characters max)

USING A COMMUNITY OF DISTRIBUTED ELECTRONIC AGENTS TO DYNAMICALLY MONITOR AND SUPPORT THE NEGOTIATION OF ELECTRONIC TRANSACTIONS

And from 60/124,720 (10 pages)

66/21/20

1c541 U.S. PTO
60/124720

PROVISIONAL APPLICATION COVER SHEET

A/Prov

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Attorney Docket No.: SRIIP024+

First Named Inventor: CHEYER, Adam J.

Assistant Commissioner for Patents
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Washington, DC 20231

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fee processing

1c541 U.S. PTO
60/124720
63/17/99

Sir: This is a request for filing a PROVISIONAL APPLICATION under 37 CFR 1.53(c).

INVENTOR(S)/APPLICANT(S)

LAST NAME	FIRST NAME	MIDDLE INITIAL	RESIDENCE (CITY AND EITHER STATE OR FOREIGN COUNTRY)
CHEYER	Adam	J.	Menlo Park, CA

TITLE OF INVENTION (280 characters max)

AN "INVISIBLE" USER INTERFACE PROVIDING A HIGH DEGREE OF INTEGRATION ACROSS MULTIPLE APPLICATIONS IN A PERSONAL COMPUTER ENVIRONMENT

Again, notably, Ms. Halverson is NOT a named inventor on any of these provisional materials, yet she is named as the primary inventor on the reference relied on by the Examiner. And as the Examiner can again verify, they do not contain the relevant disclosure needed to support a § 102(e) rejection.

Finally, item #1, the earlier serial no. 09/225,198 filed January 5, 1999, from which Halverson claims CIP status, also fails to disclose the relevant subject matter: Applicants obtained a copy of portions of the file history, including the original specification. The transmittal sheet shows 59 pages of disclosure and 16 sheets of drawings:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF EXPRESS MAILING
I hereby certify that this paper and the documents and/or fees referred to as attached therein are being deposited with the United States Postal Service on January 05, 1999 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR §1.13, Mail Label Number EL221746631US, addressed to the Assistant Commissioner for Patents, Washington, DC 20231.

Michael L. Gough

66/50/70

Attorney Docket No.: SRH1P016
First Named Inventor:
CHEYER, Adam J.

10619 U.S. PRO
09/225198
JAN 05 1999

UTILITY PATENT APPLICATION TRANSMITTAL (37 CFR § 1.53(b))

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

☐ Duplicate for fee processing

Sir: This is a request for filing a patent application under 37 CFR § 1.53(b) in the name of inventors:
Adam J. Cheyer and David L. Martin

For: **SOFTWARE-BASED ARCHITECTURE FOR COMMUNICATION AND COOPERATION AMONG DISTRIBUTED ELECTRONIC AGENTS**

Application Elements:

☒ 59 Pages of Specification, Claims and Abstract
☒ 16 Sheets of Drawings
☒ 01 Pages Combined Declaration and Power of Attorney

The Applicant has scoured the disclosure and drawings; there is absolutely no support for the subject matter which the Examiner now cites against the present application. Moreover, Ms. Halverson is again not even listed as an inventor of the earlier application. The disclosure in fact is clearly directed to a different type of system altogether, and has very little to do with a speech recognition system, as can be seen even from the Abstract provided:

ABSTRACT

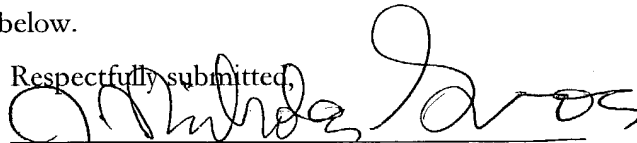
5 A highly flexible, software-based architecture is disclosed for constructing distributed systems. The architecture supports cooperative task completion by flexible, dynamic configurations of autonomous electronic agents. Communication and cooperation between agents are brokered by one or more facilitators, which are responsible for matching requests, from users and agents, with descriptions of the capabilities of other agents. It is not generally required that a user or agent know the identities, locations, or number of other agents involved in satisfying a request, and relatively minimal effort is involved in incorporating new agents and "wrapping" legacy applications. Extreme flexibility is achieved through an architecture organized around the declaration of capabilities by service-providing agents, the construction of arbitrarily complex goals by users and service-requesting agents, and the role of facilitators in delegating and coordinating the satisfaction of these goals, subject to advice and constraints that may accompany them. Additional mechanisms and features include facilities for creating and maintaining shared repositories of data; the use of triggers to instantiate commitments within and between agents; agent-based provision of multi-modal user interfaces, including natural language; and built-in support for including the user as a privileged member of the agent community. Specialized embodiments providing enhanced scalability are also described.

Again, the Examiner is believed to have full access to such materials, so they are not provided here. Nonetheless, there is no other reasonable conclusion: the Halverson reference does not have any earlier support for the subject matter relied on by the Examiner. Consequently, it cannot serve as an effective § 102(e) reference in this instance. The current rejections therefore are not supportable and should be withdrawn.

As there is no other pending rejection presented by the Examiner, after a full examination on the merits, Applicant submits that the present case is clearly in condition for allowance.

Should the Examiner wish to contact the undersigned at any time to discuss this case, please feel free to use the number identified below.

Respectfully submitted,


J. Nicholas Gross, Attorney, Reg. No. 34, 175

November 10, 2004
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I hereby certify that the foregoing is being deposited with the U.S. Postal Service, postage prepaid, to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, this 10th day of November, 2004.